

REMARKS

This amendment is responsive to the Office Action of September 12, 2007. Reconsideration and allowance of the claims 1-28 are requested.

Election

The applicants elect claim 1 and claims 2-17 and 26-28 dependent therefrom, i.e., Group I, without traverse.

Election of Species

The Examiner's Election of Species requirement is not a proper Election of Species requirement. Regarding the Examiner's alleged Species A, the description on page 3, lines 1-16 parallels method claim 1. With regard to alleged Species B, the description on page 3, lines 17-31 closely parallels independent apparatus claim 18. With regard to alleged Species C, the description on page 4, lines 1-12 closely parallels independent claim 22. Because the alleged Species are the same as independent claims 1, 18, and 22, which the Examiner has held to be independent "inventions", then A, B, and C should be considered distinct "inventions" and not Species.

For Election of Species purposes, page 3, lines 1-16 is effectively claim 1; page 3, lines 17-31, claim 18; and page 4, lines 1-12, claim 22. As stated in MPEP § 806.04(e):

Claims > themselves < are never species.

Thus, claims 1, 18, and 22 are not different species; nor are page 3, lines 1-16, page 3, lines 17-31; and page 4, lines 1-12. Because the Election of Species requirement fails to identify Species, a proper Election of Species cannot be made.

However, because the description on page 3, lines 1-16 parallels independent claim 1, it can, in a sense, be considered generic to claim 1 and claims 2-17 and 26-28 which depend from claim 1.

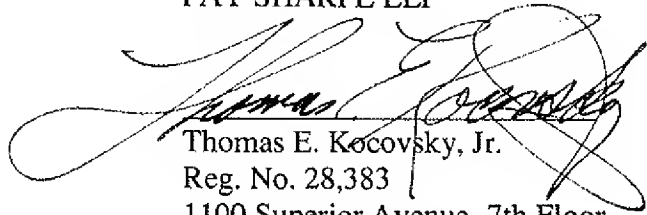
CONCLUSION

An early allowance of claims 1-28 is requested.

In the event the Examiner would like to discuss the Restriction Requirement, the Election, or the pending claims in greater detail, he is requested to telephone Thomas Kocovsky at (216) 861-5582.

Respectfully submitted,

FAY SHARPE LLP

A large, stylized handwritten signature in black ink, likely belonging to Thomas E. Kocovsky, Jr., is written over the printed name and address.

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